

BCAC Public Comment Proposals

May 26, 2021 Meeting

Proposals in this report for BCAC review –

- E27-21
- G34-21
- G42-21
- G125-21
- G126-21 (added)

E27-21

IBC: 1009.1 (IFC:[BE]1009.1)

Proponents: Mike Nugent, Chair, representing ICC Building Code Action Committee (bcac@iccsafe.org)

2021 International Building Code

Revise as follows:

1009.1 Accessible means of egress required. *Accessible* means of egress shall comply with this section. *Accessible* spaces shall be provided with not less than one accessible means of egress. Where more than one *means of egress* is required by Section 1006.2 or 1006.3 from any accessible space, each *accessible* portion of the space shall be served by not less than two accessible means of egress.

Exceptions:

1. One *accessible means of egress* is required from an *accessible mezzanine* level in accordance with Section 1009.3, 1009.4 or 1009.5.
2. In assembly areas with ramped *aisles* or stepped *aisles*, one *accessible means of egress* is permitted where the *common path of egress travel* is *accessible* and meets the requirements in Section 1030.8. The common path of travel shall be measured from the wheelchair spaces along an accessible route to that point where the occupants have a choice of two accessible routes to accessible means of egress.

1030.8 Common path of egress travel. The *common path of egress travel* shall not exceed 30 feet (9144 mm) from any seat to a point where an occupant has a choice of two paths of egress travel to two *exits*.

Exceptions:

1. For areas serving less than 50 occupants, the *common path of egress travel* shall not exceed 75 feet (22 860 mm).
2. For *smoke-protected* or *open-air assembly seating*, the *common path of egress travel* shall not exceed 50 feet (15 240 mm).

Reason:

The intent of this proposal is to emphasize an existing requirement for accessible ways out of assembly spaces. Assemble seating is required to have at least one accessible route into a space. Wheelchair spaces have to be provided, integrated and dispersed. In space with 50 or more occupants, at least two accessible means of egress are required. Section 1009.1 allows for persons with mobility devices to return back the way out the along the same route they used to get to their seats up so the length of the common path of travel. This provides for an equivalent level of safety for everyone in the assembly seating.

This can apply to spaces such as theaters, stadiums, bleachers, grandstands and folding and telescopic seating. Where this is currently being missed the most in is raised bleacher seating. The designers provide one ramp to get in, but commonly only have one steps on the other ends of the bleachers. Very often, this common path of travel could be met by one ramp the ends at the center of the bleachers.

ICC 300 Standard for Bleachers, Folding and Telescopic Seating, and Grandstands had similar criteria for common path of egress travel –

407.4.1 Path of egress travel. For rows of seating served by only one path of egress travel, the common path of egress travel shall not exceed 30 feet (9144 mm) from any seat to a point where a person has a choice of two paths of egress travel to two exits.

Exceptions:

1. In smoke-protected or open-air assembly seating, the common path of egress travel shall not exceed 50 feet (15 240 mm) from any seat to a point where a person has a choice of two paths of egress travel to two exits.

2. For areas serving less than 50 occupants, the common path of egress travel shall not exceed 75 feet (22 860 mm) from any seat to a point where a person has a choice of two paths of egress travel to two exits.

3. Where bench-type seating without backrests is utilized and the top of the bench is no more than 7 inches (178 mm) above the footrest immediately behind, the common path of egress travel shall not exceed 75 feet (22 860 mm) from any seat to a point where a person has a choice of two paths of egress travel to two exits.



Example of ramp access to center of raised bleachers.



Example with ramp only at one end of bleachers.

This proposal is submitted by the ICC Building Code Action Committee (BCAC). BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at BCAC.

Cost Impact:

The code change proposal will not increase or decrease the cost of construction
This is a clarification. It is not a change in the requirements for bleachers, grandstands or folding and telescopic seating.

Committee Action: D

Committee Reason: The proposal was disapproved because exit access stairways can serve as part of an accessible means of egress, so raised bleachers already meet Section 1009 with two sets of stairways. The proposal is adding requirements - if you only need one accessible route to get onto the bleachers, why would you need two accessible routes off the bleachers? The proposal should add "egress" in the phrase "common path of travel" so they are using a defined term. This should be in the ICC 300, not the IBC. There were concerns raised that steps from a raised bleacher were not between stories or mezzanines, therefore they would not comply with Section 1009.3. (Vote: 9-5)

PC for E27-21

Further revise as follows:

1009.1 Accessible means of egress required. *Accessible* means of egress shall comply with this section. *Accessible* spaces shall be provided with not less than one accessible means of egress. Where more than one *means of egress* is required by Section 1006.2 or 1006.3 from any accessible space, each *accessible* portion of the space shall be served by not less than two accessible means of egress.

Exceptions:

1. One *accessible means of egress* is required from an *accessible mezzanine* level in accordance with Section 1009.3, 1009.4 or 1009.5.
2. In assembly areas with ramped *aisles* or stepped *aisles*, one *accessible means of egress* is permitted where the *common path of egress travel* is *accessible* and meets the requirements in Section 1030.8. The *common path of egress travel* shall be measured from the wheelchair spaces along an accessible route to that point where the occupants have a choice of two accessible routes to accessible means of egress.

Reason: The modification is to use the defined term for common path of egress travel as suggested by the committee. The ICC 300 references back to the IBC for accessible means of egress (ICC 300 Section 404.1) and accessibility requirements (ICC 300 Section 310.1), therefore, this does not belong in ICC 300 as suggested by the committee. This requirement would also apply to raised tiered seating systems, not just the bleachers shown in the pictures. ICC 300 Table 404.1 requires two means of egress for bleachers with 251 or greater occupants, therefore, two accessible means of egress are already required for these large bleachers. The suggestion by some of the committee members that the stairways to raised bleachers can serve as part of an accessible means of egress is not correct because these are not stairways between stories (IBC Section 1009.3).

G34-21

IBC: 305.2.2, 305.2.3, 308.5.3, 308.5.4, 310.4.1

Proponents: Mike Nugent, Chair, representing ICC Building Code Action Committee (bcac@iccsafe.org)

2021 International Building Code

SECTION 305 EDUCATIONAL GROUP E

305.2 Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than five children older than 2½ years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

305.2.1 Within places of religious worship. Rooms and spaces within *places of religious worship* providing such day care during religious functions shall be classified as part of the primary occupancy.

Revise as follows:

305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy. Such a facility, located within a dwelling unit that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or the International Residential Code.

Delete without substitution:

~~**305.2.3 Five or fewer children in a dwelling unit.** A facility such as the above within a *dwelling unit* and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.~~

SECTION 308 INSTITUTIONAL GROUP I

308.5 Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians; relatives by blood, marriage or adoption; and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

308.5.1 Classification as Group E. A child day care facility that provides care for more than five but not more than 100 children 2 $\frac{1}{2}$ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

308.5.2 Within a place of religious worship. Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

Revise as follows:

308.5.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy. Such a facility, located within a dwelling unit that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or the International Residential Code.

Delete without substitution:

~~**308.5.4 Five or fewer persons receiving care in a dwelling unit.** A facility such as the above within a *dwelling unit* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.~~

SECTION 310 RESIDENTIAL GROUP R

Revise as follows:

~~**310.4.1**~~ **310.1.1 Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care or a day care that are located within a ~~single-family~~ *dwelling unit* ~~are permitted to comply that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*, provided Facilities constructed using the *International Residential Code* shall be protected by an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.~~

Reason:

The purpose of this change is to remove a technical glitch for where Group R-2 townhouses or apartments may also have a small day care facility. Day care facilities can occur in apartments, townhouses and single family homes. By allowing for 5 or fewer to match the main occupancy, this would still allow for those Group R-3 as a classification in single-family, duplex and Group R-3 townhouses – which is permitted in the current text. This change will also allow for similar facilities in apartments or Group R-2 townhouses. The literal text in 305.2.3 and 308.5.4 says a day care in a dwelling unit make this an R-3 even though the building may be Group R-2.

For facilities that meet the scoping of the IRC (single family, duplex and townhouse), the day care and small care facilities can continue to be constructed under the IRC.

The move of 310.4.1 is because this is no longer just a Group R-3 consideration.

This is one of a group of proposals intended to coordinate the scoping items in IBC Section 101.2 and IRC 101.2. While the proposals work together, then also work separately. The proposal for coordination will be in Group B.

This proposal is submitted by the ICC Building Code Action Committee (BCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at BCAC.

Cost Impact:

The code change proposal will not increase or decrease the cost of construction

This is basically a coordination item for what facilities can use IRC. This should not change construction requirements.

Committee Action: D

Committee Reason: This proposal was disapproved by the committee, however, they felt that the general intent for coordination with the IRC scoping was good, but some testifiers were confused on the limits. There was a concern that this could be read to allow for multiple care facilities in an apartment building, or dwelling units in a school. (Vote: 14-0)

Video: <https://icc-hearingvideos-public.s3.amazonaws.com/2021/GroupA/CAH/Track1/G34-21.mp4>

PC -1 for G34-21

Further revise as follows:

2021 International Building Code

Further revise as follows:

SECTION 305 EDUCATIONAL GROUP E

305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy. **Such a facility, located within a detached one- or two- family dwelling unit or townhouse that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or the International Residential Code.**

SECTION 308 INSTITUTIONAL GROUP I

308.5.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy. **Such a facility, located within a detached one-**

or two- family dwelling unit or townhouse that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or the International Residential Code.

SECTION 310 RESIDENTIAL GROUP R

310.1.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving care or a day care that are located within a detached one- or two- family dwelling unit or townhouse that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. Care facilities ~~Facilities~~ constructed in accordance with using the International Residential Code shall be protected by an automatic sprinkler system installed in accordance with ~~Section 903.3.1.3 or~~ Section P2904 of the *International Residential Code*.

Reason:

The original proposal intended to allow small daycare, adult care or custodial care facilities serving five or fewer persons to be classified as part of the primary occupancy of a building housing such a facility, and to note that where they are contained in buildings falling within the scope of the International Residential Code they are permitted to be constructed either per the IBC or IRC.

The concern from the IBC-General Committee, and those in opposition, was the lack of clarity in how the proposal language was structured. As written, the proposal caused some confusion. Some felt the proposal expanded the scope of IRC to include apartment buildings, and that it could be argued a dwelling unit in an apartment building is within the scope of the IRC. Also, some felt the proposal language implied that dwelling units can be included in Group E facilities.

The revised language for this public comment aims to address the concerns of the committee and clarify the original intent of the proposal by explicitly referring to care facilities located within detached one and two-family dwellings or townhouses, which are the types of residential buildings covered by the IRC.

Notes: 6-9-2021 – PC1 ready to move forward

PC -2 for G34-21

Further revise as follows:

2021 International Building Code

Further revise as follows:

SECTION 305 EDUCATIONAL GROUP E

305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy. Such a facility, located within a dwelling unit that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or the International Residential Code. Portions of a structures used for such a facility shall be comply with Chapter 11.

SECTION 308 INSTITUTIONAL GROUP I

308.5.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy. Such a facility, located within a dwelling unit that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or the International Residential Code. Portions of a structures used for such a facility shall be comply with Chapter 11.

SECTION 310 RESIDENTIAL GROUP R

310.1.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving care or a day care that are located within a dwelling unit that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. Facilities constructed using the *International Residential Code* shall be protected by an automatic sprinkler system installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*. Portions of a structures used for such a facility shall be comply with Chapter 11.

Reason: The purpose of this public comment is to make it clear that the accessibility requirements for these daycare or custodial care facilities would be applicable even if constructed within a one- or two-family dwelling or townhouse falling within the scope of the IRC, as these facilities are subject to the public accommodation requirements of the ADA. It is noted only those portions of the dwelling where care is provided or that serve the persons receiving care (e.g. a bathroom adjacent to the living space where care is being provided or the entry to the dwelling which provides access to that space) need to meet the requirements of the ADA. The remaining portions of the living space used by the primary occupants of the house (e.g. the family operating a small day care out of their home) do not need to meet the ADA requirements. The language draws on Section 1103.2.12 for day care facilities.

This is the citation in ADA for home businesses.
§ 36.401 New construction.

* * * *

(b) Commercial facilities located in private residences.

(1) When a commercial facility is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subpart, but that portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction and alterations requirements of this subpart.

(2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the commercial facility, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including restrooms.

Notes: 6-9-2021; ask Marsha Mazz to submit PC2; Kim to check with Ed about scope of the public comment

Decision is that PC2 is outside of the scope of the change. Do not process.

G42-21

IBC: 308.2.4, 308.3.2, 310.4.1

Proponents: Mike Nugent, Chair, representing ICC Building Code Action Committee (bcac@iccsafe.org)

2021 International Building Code

SECTION 308 INSTITUTIONAL GROUP I

Revise as follows:

308.2.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving *custodial care* shall be classified as Group R-2 or Group R-3 based on the primary occupancy of the building. ~~or shall comply~~ Such a facility, located within a dwelling unit that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. ~~Provided~~ Facilities constructed using the *International Residential Code* shall be protected by an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

308.3.2 Five or fewer persons receiving medical care. A facility with five or fewer persons receiving *medical care* shall be classified as Group R-2 or Group R-3, based on the primary occupancy of the building. ~~or shall comply~~ Such a facility, located within a dwelling unit that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. ~~provided~~ Facilities constructed using the *International Residential Code* shall be protected by an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

SECTION 310 RESIDENTIAL GROUP R

Revise as follows:

~~310.4.1~~ **310.1.1 Care facilities within a dwelling.** Care facilities for five or fewer persons receiving *medical care* or *custodial care* that are located within a ~~single-family dwelling unit~~ are permitted to be constructed in accordance with this code or with the *International Residential Code*. ~~provided~~ Facilities constructed using the *International Residential Code* shall be protected by an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

Reason:

The intent of this proposal is to clarify the allowance for when a care facility fits into the residential requirements in the IBC or IRC.

Sticking with the current intent in the codes, these facilities should be permitted in a home environment – be it detached single family, townhouse or apartment – thus the reference to Group R-3 and R-2. The IRC reference allows for the facility to use IRC if the dwelling unit it is in is scoped to the IRC. The relocation of Section 310.4.1 is because this is no longer just a Group R-3 consideration.

This proposal does not change what facilities can currently be constructed under the IRC, however, in the past there has been arguments that these facilities should not be permitted under the IRC. A facility of 5 or fewer persons could be in a detached dwelling, a townhouse or an apartment building. The Fair Housing Act does not allow for family to be defined by blood or marriage. Multiple court cases have confirmed that people have the right to live in a home environment instead of an institutional facility if they so choose. If this is a business, this small group home is most likely operating as a family; and would fall below the licensure rules of most states. However, in most cases, this will be couple with foster children or someone taking care of a friend who needs assistance - not a business. The IBC does not typically go into issues on licensure or who is paying what – we look at the use of the space.

This is one of a group of proposals intended to coordinate the scoping items in IBC Section 101.2 and IRC 101.2. While the proposals work together, then also work separately. The proposal for coordination will be in Group B.

This proposal is submitted by the ICC Building Code Action Committee (BCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at BCAC.

Cost Impact:

The code change proposal will not increase or decrease the cost of construction
This is a clarification of use group, not a change to construction requirements.

Committee Action: D

Committee Reason: This proposal was disapproved by the committee, however, they felt that the general intent for coordination with the IRC scoping was good, but some testifiers were confused on the limits. There was a concern that this could be read to allow for a large assisted living or nursing home to be constructed as individual dwelling units under the IRC. (Vote: 14-0)

<https://icc-hearingvideos-public.s3.amazonaws.com/2021/GroupA/CAH/Track2/G42-21.mp4>

PC-1 for G42

Further revise as follows:

SECTION 308 INSTITUTIONAL GROUP I

308.2.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving *custodial care* shall be classified as **Group R-2 or Group R-3 based on the primary occupancy of the building. Such a facility, located within a detached one- or two- family dwelling unit or townhouse that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or with the International Residential Code.** Facilities **constructed in accordance with using the International Residential Code shall be protected by an automatic sprinkler system** installed in accordance with ~~Section 903.3.1.3 or~~ Section P2904 of the International Residential Code.

308.3.2 Five or fewer persons receiving medical care. A facility with five or fewer persons receiving *medical care* shall be classified as **Group R-2 or Group R-3, based on the primary occupancy of the building. Such a facility, located within a detached one- or two- family dwelling unit or townhouse that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or with the International Residential Code.** Facilities **constructed in accordance with using the International Residential Code shall be protected by an automatic sprinkler system** installed in accordance with ~~Section 903.3.1.3 or~~ Section P2904 of the International Residential Code.

SECTION 310 RESIDENTIAL GROUP R

310.1.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving **medical care or custodial care** that are **located** within a **detached one- or two- family dwelling unit or townhouse that is within the scope of the International Residential Code, shall be permitted to be constructed in accordance with this code or with the International Residential Code.** Facilities **constructed in accordance with using the International Residential Code shall be protected by an automatic sprinkler system** installed in accordance with ~~Section 903.3.1.3 or~~ Section P2904 of the International Residential Code.

Reason:

The original proposal intended to allow small daycare, adult care or custodial care facilities serving five or fewer persons to be classified as part of the primary occupancy of a building housing such a facility, and to note that where they are contained in buildings falling within the scope of the International Residential Code they are permitted to be constructed either per the IBC or IRC.

The concern from the IBC-General Committee, and those in opposition, was the lack of clarity in how the proposal language was structured. As written, the proposal caused some confusion. Some felt the proposal expanded the scope of IRC to include apartment buildings, and that it could be argued a dwelling unit in an apartment building is within the scope of the IRC. Also, some felt the proposal language implied that dwelling units can be included in Group-I facilities.

The revised language for this public comment aims to address the concerns of the committee and clarify the original intent of the proposal by explicitly referring to care facilities located within detached one and two-family dwellings or townhouses, which are the types of residential buildings covered by the IRC.

Notes: 6-9-2021 – PC1 ready to move forward

PC-2 for G42

Further revise as follows:

SECTION 308 INSTITUTIONAL GROUP I

308.2.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving *custodial care* shall be classified as **Group R-2 or Group R-3 based on the primary occupancy of the building. Such a facility, located within a dwelling unit that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. Facilities constructed using the *International Residential Code* shall be protected by an automatic sprinkler system installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*. Portions of a structures used for such a facility shall be comply with Chapter 11.**

308.3.2 Five or fewer persons receiving medical care. A facility with five or fewer persons receiving *medical care* shall be classified as **Group R-2 or Group R-3, based on the primary occupancy of the building. Such a facility, located within a dwelling unit that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. Facilities constructed using the *International Residential Code* shall be protected by an automatic sprinkler system installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*. Portions of a structures used for such a facility shall be comply with Chapter 11.**

SECTION 310 RESIDENTIAL GROUP R

Revise as follows:

310.1.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving **medical care or custodial care** that are **located within a dwelling unit that is within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or with the *International Residential Code*. Facilities constructed using the *International Residential Code* shall be protected by an automatic sprinkler system installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*. Portions of a structures used for such a facility shall be comply with Chapter 11.**

Reason: The purpose of this public comment is to make it clear that the accessibility requirements for these daycare or custodial care facilities would be applicable even if constructed within a one- or two-family dwelling or townhouse falling within the scope of the IRC, as these facilities are subject to the public accommodation requirements of the ADA. It is noted only those portions of the dwelling where care is provided or that serve the persons receiving care (e.g. a bathroom adjacent to the living space where care is being provided or the entry to the dwelling which provides access to that space) need to meet the requirements of the ADA. The remaining portions of the living space used by the primary occupants of the house (e.g. the family operating a small day care out of their home) do not need to meet the ADA requirements. The language draws on Section 1103.2.12 for day care facilities.

This is the citation in ADA for home businesses.

§ 36.401 New construction.

* * * *

(b) Commercial facilities located in private residences.

(1) When a commercial facility is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subpart, but that portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction and alterations requirements of this subpart.

(2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the commercial facility, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including restrooms.

Notes: 6-9-2021; ask Marsha Mazz to submit PC2; Kim to check with Ed about scope of the public comment

Decision is that PC2 is outside of the scope of the change. Do not process.

G125-21

IBC: 508.5, 508.5.6

Proponents: Mike Nugent, Chair, representing ICC Building Code Action Committee (bcac@iccsafe.org)

2021 International Building Code

Revise as follows:

508.5 Live/work units. A *live/work unit* shall comply with Sections ~~508.5~~ 508.5.1 through 508.5.11. Live/work units complying with the requirements of Section 508.5.1 through 508.5.11 for the non-residential portion of the unit and that are within the scope of the *International Residential Code*, shall be permitted to be constructed in accordance with this code or the *International Residential Code*.

Exception: *Dwelling or sleeping units* that include an office that is less than 10 percent of the area of the *dwelling unit* ~~are~~ shall be permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2.

508.5.1 Limitations. The following shall apply to live/work areas:

1. The *live/work unit* is permitted to be not greater than 3,000 square feet (279 m²) in area.
2. The nonresidential area is permitted to be not more than 50 percent of the area of each *live/work unit*.
3. The nonresidential area function shall be limited to the first or main floor only of the *live/work unit*.
4. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

508.5.2 Occupancies. *Live/work units* shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the *live/work unit* where the *live/work*

unit is in compliance with Section 508.5. Nonresidential uses that would otherwise be classified as either a Group H or S occupancy shall not be permitted in a *live/work unit*.

Exception: Storage shall be permitted in the *live/work unit* provided that the aggregate area of storage in the nonresidential portion of the *live/work unit* shall be limited to 10 percent of the space dedicated to nonresidential activities.

508.5.3 Means of egress. Except as modified by this section, the *means of egress* components for a *live/work unit* shall be designed in accordance with Chapter 10 for the function served.

508.5.4 Egress capacity. The egress capacity for each element of the *live/work unit* shall be based on the *occupant load* for the function served in accordance with Table 1004.5.

508.5.5 Spiral stairways. *Spiral stairways* that conform to the requirements of Section 1011.10 shall be permitted.

Revise as follows:

508.5.6 Vertical openings. Floor openings between floor levels of a *live/work unit* ~~are~~shall be permitted without enclosure.

[F]508.5.7 Fire protection. The *live/work unit* shall be provided with a monitored *fire alarm* system where required by Section 907.2.9 and an *automatic sprinkler system* in accordance with Section 903.2.8.

508.5.8 Structural. Floors within a *live/work unit* shall be designed for the *live loads* in Table 1607.1, based on the function within the space.

508.5.9 Accessibility. *Accessibility* shall be designed in accordance with Chapter 11 for the function served.

508.5.10 Ventilation. The applicable *ventilation* requirements of the *International Mechanical Code* shall apply to each area within the *live/work unit* for the function within that space.

508.5.11 Plumbing facilities. The nonresidential area of the *live/work unit* shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential area of the *live/work unit* is required to be accessible by Section 1108.6.2.1, the plumbing fixtures specified by Chapter 29 shall be accessible.

Reason:

The intent of the proposal is to coordinate the IRC and IBC scoping. IRC Section 101.2 Exception 1 allows for live/work units to be constructed under the IRC. However, the IBC does not state this option in IBC Section 101.2 or this section.

During the discussions, there were concerns that the current requirements for complying with the IRC and the IBC could be a conflict for several of the items listed, such as means of egress, fire protection, structural and accessibility. The addition of 'for the non-residential portion of the unit' should help clarify that the means of egress, fire protection, structural loading and plumbing facilities for the business/mercantile portion of the unit needs to look at the IBC for requirements.

This is one of a group of proposals intended to coordinate the scoping items in IBC Section 101.2 and IRC 101.2. While the proposals work together, then also work separately. The proposal for coordination will be in Group B.

This proposal is submitted by the ICC Building Code Action Committee (BCAC). BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings

for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at BCAC.

Cost Impact:

The code change proposal will not increase or decrease the cost of construction
This is a coordination of scoping requirements and references in the IBC and IRC, not a change to construction requirements.

Staff Note: G125-21 and G126-21 addresses requirements in a different or contradicting manner. The committee is urged to make their intentions clear with their actions on these proposals.

Committee Action: D

Committee Reason: The proposal was disapproved as it still needs work since the wording is unclear. (Vote: 14-0)

Video: <https://icc-hearingvideos-public.s3.amazonaws.com/2021/GroupA/CAH/Track1/G125-21.mp4>

PC for G125-21

Option 1 (Following Jeff Shapiro’s floor modification suggestion)

Further revise as follows:

508.5 Live/work units. ~~A live/work unit~~ Live/work units shall comply with one of the following:

1. For live/work units constructed in accordance with this code, both the residential and non-residential portions, shall comply with Sections 508.5.1 through 508.5.11.
2. For live/work units complying with the requirements of Section 508.5.1 through 508.5.11 for the non-residential portion of the unit and that are townhouse that are within the scope of the International Residential Code, the residential portion shall be permitted to be constructed in accordance with this code or the International Residential Code and Section 508.5.7; and the non-residential portions shall comply with Sections 508.5.1 through 508.5.11.

Exception: ~~Dwelling or sleeping units~~ that include an office that is less than 10 percent of the area of the *dwelling unit* shall be permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2.

Option 2 (simplified option)

Further revise as follows:

508.5 Live/work units. A *live/work unit* shall comply with Sections 508.5.1 through 508.5.11. Live/work units complying with the requirements of Section 508.5.1 through 508.5.11 for the non-residential portion of the unit and that are townhouses within the scope of the International Residential Code, shall be permitted to have the residential portion be constructed in accordance with this code or the International Residential Code and Section 508.5.7.

Exception: ~~Dwelling or sleeping units~~ that include an office that is less than 10 percent of the area of the *dwelling unit* are shall be permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2.

Reason: The primary intent of this proposal is to match the scoping allowances in the IRC. This public comment proposal addresses concerns raised during the testimony. Adding ‘townhouses’ and ‘residential portion’ in addition to ‘within the scope of the IRC’ emphasized the limitations for what can be constructed under the IRC and clarifies that this is not permitted for apartment buildings. (G126 Part 2 AM expanded

on the fire protection requirements for live/work units in Section 508.5.7 and added the sprinkler requirements specific to live/work units constructed under the IRC.) The non-residential portion staying with the scope of the IBC will address the concerns raised for structural loads. The modification to the exception is strictly correlation – the main text is about dwelling units, so the exception should not include sleeping units.

Notes 6-2-2021:

IRC literally only pick up townhouses – ask Dave Collins for input

Pick up Shapiro floor modification

Send back to Sarah

G126-21 Part II

PART II – IBC[F] 508.5.7

Proponents: Jeffrey Shapiro, representing Self (jeff.shapiro@intlcodeconsultants.com)

2021 International Building Code

Revise as follows:

[F]508.5.7 Fire protection. ~~The *live* Live/work unit units~~ constructed in accordance with this code shall comply with ~~be provided with a monitored fire alarm system where required by Section 907.2.9 and~~ be provided with all of the following:

1. An automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 ~~903.2.8.~~
2. Smoke alarms in accordance with Section 907.2.11.
3. Where required by Section 907.2.9.1, a manual fire alarm system.

Live/work units constructed in accordance with the International Residential Code shall be provided with an automatic sprinkler system and smoke alarms. The automatic sprinkler system shall comply with International Residential Code Section P2904, and smoke alarms shall comply with International Residential Code Section 314.

Reason: Currently, some live/work units are permitted to be constructed under the IRC, per the IRC scope, but the IRC scope references back to IBC Section 508.5 for additional specific requirements. So presumably, IRC live/work units are constructed to the IRC, except as modified by IBC Section 508.5. On the other hand, IBC live/work units are constructed to the IBC, including Section 508.5. This proposal more clearly states that approach.

In addition, the fire protection requirements have been edited to clarify the allowance to use fire protection requirements in the IRC for IRC live/work units. It does not appear that the intent of membership in establishing live/work provisions was requiring IRC live/work units to comply with IBC Group R2 fire protection requirements. Plus, the IBC fire protection requirements have been clarified/improved by directly referencing the two applicable sprinkler standards for Group R2 vs. sending the user to another code section to receive the references, and the requirement for smoke alarms has been added for completeness.

Regarding fire alarms for live/work units under the IBC, there are not and never have been any special live/work requirements. Instead, the requirements are based on the general Group R2 occupancy triggers and exceptions found in Section 907.2.9.1, which often won't require a fire alarm system for live/work units based on the exceptions. The reference to "monitored" systems has been dropped, as monitoring requirements will be determined by Section 907.

Cost Impact:

The code change proposal will decrease the cost of construction
By clearly conveying that IRC live/work units do not have to meet IBC fire protection requirements, the cost of construction for live/work units may be reduced.

Staff Note: G125-21 and G126-21 addresses requirements in a different or contradicting manner. The committee is urged to make their intentions clear with their actions on these proposals.

G126-21 Part II

Committee Action: As Modified**Committee Modification:**

[F] 508.5.7 Fire protection. Live/work units in buildings constructed in accordance with this code shall be provided with all of the following:

1. An automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Smoke alarms in accordance with Section 907.2.11.
3. Where required by Section 907.2.9.1, a manual fire alarm system.

Live/work units in buildings constructed in accordance with the International Residential Code shall be provided with an automatic sprinkler system and smoke alarms. The automatic sprinkler system shall comply with International Residential Code Section P2904, and smoke alarms shall comply with International Residential Code Section 314.

Committee Reason: The committee stated that the reason for the approval of the modification was that it clarifies the requirement by specifying that the live work units are in buildings. The reason for the approval of the proposal is that it improves the intent of the requirements and gives the correct code citations for the various items in the list. (Vote: 14-0)

Staff Analysis: G125-21 and G126-21 addresses requirements in a different or contradicting manner. The committee is urged to make their intentions clear with their actions on these proposals.

PC for G126-21 Part II

Further modify

[F] 508.5.7 Fire protection. Live/work units ~~in buildings~~ constructed in accordance with this code shall be provided with all of the following:

1. An automatic sprinkler system in accordance with Section 903.3.1.1 ~~or~~ 903.3.1.2 or 903.3.1.3.
2. Smoke alarms in accordance with Section 907.2.11.
3. Where required by Section 907.2.9.1, a manual fire alarm system.

Live/work units ~~in buildings~~ constructed in accordance with the International Residential Code shall be provided with an automatic sprinkler system and smoke alarms. The automatic sprinkler system shall comply with International Residential Code Section P2904, and smoke alarms shall comply with International Residential Code Section 314.

Reason: The modification to add 'in buildings' is not consistent with the remainder of the requirements for Live/work units. This brings up unnecessary questions about fire wall and separation requirements that do not effect this requirement. Townhouse are within the scope of an NFPA13D system, so this should not have been removed as an option simply because these townhouses are classified as Group R-2. Many townhouses that are only residential are constructed as Group R-2 – is the intent to not allow an NFPA 13D system in those as well? Live/work units that are constructed with the IRC can use the a system comparable to NFPA 13D. To have a higher level for IBC is not consistent application and would force many more live work units to the IRC.

Notes 6-2-2021: Review by Sarah